

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *M* D.C.

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TERESA M GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

ELECTRIC INSURANCE COMPANY,)
vs.)
Plaintiff,)
NATIONWIDE MUTUAL INSURANCE)
COMPANY,)
Defendant.) 04-3015 ML/P

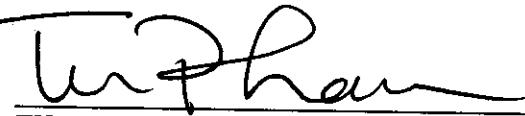
ORDER DENYING DEFENDANT'S MOTION FOR PROTECTIVE ORDER

Before the court is defendant Nationwide Mutual Insurance Company's Motion for Protective Order, filed July 25, 2005 (dkt #12). In its motion, the defendant asks the court to stay all discovery in this case until such time that the court rules on defendant's pending motion to dismiss. The plaintiff filed its response in opposition on July 26, 2005.

It is well settled that a court has discretion to stay discovery pending determination of dispositive motions. See Nichols v. Baptist Memorial Hosp., No. 02-2561, 2004 WL 2905406, at *2 (W.D. Tenn. April 2, 2004) (unpublished) (citing cases). Moreover, Fed. R. Civ. P. 1 states that the federal rules "shall be construed and administered to secure the just, speedy, and

inexpensive determination of every action." Id. (quoting Fed. R. Civ. P. 1). Upon review of the entire record, the court concludes that a stay of discovery is not appropriate in this case. Also, it appears that a ruling favorable to the defendant on its motion to dismiss may not resolve all claims raised in the complaint. Therefore, the motion is DENIED.

IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge

August 11, 2005
Date



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John B. Starnes
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ
165 Madison Ave.
Ste. 2000
Memphis, TN 38103

Parks T. Chastain
BREWER KRAUSE & BROOKS
611 Commerce Street
Ste. 2600, The Tower
Nashville, TN 37203

Lawrence C. Maxwell
BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ, PC
165 Madison Avenue
2000 First Tennessee Building
Memphis, TN 38103

Honorable Jon McCalla
US DISTRICT COURT